

Permitting & Assistance Branch Staff Report
New Solid Waste Facilities Permit for
Compost Solutions
SWIS No. 11-AA-0034
July 3, 2012

Background Information, Analysis, and Findings:

This report was developed in response to the Glenn County Environmental Health Department's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed new Solid Waste Facilities Permit (SWFP) for Compost Solutions, SWIS No. 11-AA-0034, located in Glenn County. The facility is owned and operated by Compost Solutions, Inc. A copy of the proposed permit is attached. The report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was originally received on May 14, 2012. A new version of the proposed permit was received on June 26, 2012. Action must be taken on this permit no later than August 25, 2012. If no action is taken by August 25, 2012, the Department will be deemed to have concurred with the issuance of the proposed new SWFP.

Proposed Project:

The following are the key design parameters of the proposed project:

	Proposed Permit
Operator	Compost Solutions, Inc.
Owner	Compost Solutions, Inc.
Facility Type	Composting Facility
Proposed Permitted Hours/Days of Operation	Receipt of Refuse/Waste: 6:00 AM to 8:00 PM, 7 days a week
Proposed Permitted Maximum Tonnage	5,200 tons per day All Materials: 50,000 tons per year Biosolids and Sewage Sludge: 12,000 tons per year/1,500 tons per month
Proposed Permitted Traffic Volume	208 vehicles per day
Proposed Permitted Area (acres)	28
Design Capacity (tons)	50,000
Proposed Waste Types	agricultural waste, ash, green material, non-hazardous drilling mud, sewage sludge and class A biosolids

Key Issues:

The proposed permit will allow for the following:

- The maximum permitted daily tonnage for this facility is 5,200 tons per day (50,000 tons per year). The proposed waste types of agricultural, ash, green material, non-hazardous drilling mud and class A biosolids.

Background:

Compost Solutions has been operating under an EA Notification for composting of agricultural waste since 2006. The facility produces approximately 15,000 tons per year of finished compost product which is sold to farmers in California and Oregon.

Findings:

Staff recommends concurrence in the issuance of the proposed new SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated May 11, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on June 26, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on May 14, 2012, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Nondisposal Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated June 20, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on June 6, 2012. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on May 14, 2012, that the proposed permit is consistent with and supported by the existing CEQA documentation. See CEQA information below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on May 3, 2012. See the public comment section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed new SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on June 6, 2012, and found the facility is in compliance with applicable state minimum standards and permit conditions.

The facility has been operating under an EA Notification for composting of agricultural material since 2006. Over the last five years, there has been one violation documented by the LEA:

- September, 2010- V 17867(a)(8) Fire Prevention Protection and Control. Smoldering feedstock was observed at the southwestern corner of the facility. The operator corrected the violation to the satisfaction of the LEA.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Glenn County Planning Commission, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The proposed permit under consideration is to allow a composting operation of up to 50,000 tons annually of agricultural waste, ash, green material, non-hazardous drilling mud, sewage sludge and class A biosolids. These parameters are supported by the following environmental document.

A Mitigated Negative Declaration (MND)(SCH# 2010082023) was prepared by Glenn County Planning Commission for this project as well as an amendment to the Conditional Use Permit for Compost Solutions. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation, Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring Program, was approved by the Lead Agency on September 21, 2011. The LEA has provided a finding that the proposed new SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed new SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Glenn County Board of Supervisors.

Department staff further recommends the MND, together with the CEQA finding, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed new SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed new SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the requirements. The LEA held a public informational meeting on May 3, 2012, at the Carnegie Center in the City of Orland, California. Approximately eighteen members of the public were in attendance. In addition to comments provided verbally at the Informational Meeting, the LEA also received comment by email, telephone and in person. The following list of attachments to this report includes summaries and responses to all public comments received by the LEA:

- Attachment 1- table listing all public comments received by the LEA
- Attachment 2 - summary of public comments and LEA responses from the informational meeting on May 3, 2012
- Attachment 3- summary of actions taken by the LEA in response to public comments

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on June 19, 2012. Mr. and Mrs. Kirby, neighbors to Compost Solutions, Inc., shared their concerns regarding groundwater contamination resulting from the proposed project. They also stated their concerns regarding the hours of operation and vehicle numbers, as well as additional odors, dust and flies that may result from the project. Staff met with the Kirby's following the meeting and discussed their concerns in further detail. Staff informed the Kirby's that groundwater contamination issues were under the regulatory purview of the Regional Water Quality Control Board. Staff also informed the Kirby's that the hours of operation and daily maximum vehicle count in the proposed permit were analyzed for in the Mitigated Negative Declaration that had been adopted for the project. Staff assured the Kirby's that once the Solid Waste Facility Permit was issued by the LEA, the LEA would carry out monthly inspections. Odors, dust and flies in excess of the State Minimum Operating Standards outlined in Title 14 of the California Code of Resources would result in violations noted on the inspection reports and would be subject to enforcement actions by the LEA.

Department staff received written comments from Mike Vereschagin, Marty and Maureen Bailey and the Kirby's. These comments are posted on CalRecycle's public website. The comments were responded to directly and have been discussed with the LEA. The LEA has incorporated changes to the permit that addresses the concerns within the LEA's authority.